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6 | Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**10 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
11 TRUST FUND, et al.,**

12 Plaintiffs,

V.

14 WALLACE FLOORING, INC., a California corporation,

Defendant.

Case No.: C10-5961 CW (BZ)

**REQUEST FOR ENTRY OF DEFAULT
JUDGMENT WITHOUT HEARING;
DECLARATION OF BLAKE E.
WILLIAMS IN SUPPORT THEREOF**

Date: May 25, 2011
Time: 10:00 a.m.
Courtroom: G, 15th Floor
450 Golden Gate Avenue
San Francisco, California

Judge: Magistrate Judge Bernard Zimmerman

19 I, Blake E. Williams, declare:

20 1. I am an attorney at law licensed to practice in the State of California, and am an
21 associate of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

22 2. I submit this Declaration in support of Plaintiffs' pending Motion for Default
23 Judgment filed on March 4, 2011. I am requesting that Judgment be entered by the Court without
24 the necessity of a hearing and that the Court vacate the hearing date presently set for May 25, 2011
25 at 10:00 a.m. before the Honorable Magistrate Judge Bernard Zimmerman.

26 3. The time for filing any Opposition to the Motion for Default Judgment has passed.
27
28 Entering Judgment without the necessity of a hearing will keep the fees and costs at a minimum,
particularly in light of the fact that collection is uncertain.

1 4. As the Court is aware, this matter has been ongoing for some time. Defendant has
2 a history of ignoring response dates. While Plaintiffs are attempting to collect the amounts
3 already due, it is unlikely that Plaintiffs will come close to full recovery.

4 Defendant has closed its doors, and is no longer in business. Attached hereto as
5 ***EXHIBIT A*** and incorporated herein by reference are true and correct copies of a computer
6 printout from the Contractors State License Board website, showing Wallace Flooring's license is
7 canceled and not able to contract, and a computer printout from the California Secretary of State
8 website, showing Wallace Flooring as a dissolved corporation.

9 As attorneys' fees and costs are "out of pocket," Plaintiffs are attempting to keep
10 fees (and thus the Trust Funds' loss) at a minimum.

11 5. Plaintiffs have exercised due diligence by mailing a copy of the Notice of Motion
12 and Motion for Default Judgment to Defendant. I have received nothing to date, nor have I heard
13 anything from Defendant.

14 I declare under penalty of perjury that the foregoing is true of my own knowledge and if
15 called upon I could competently testify thereto.

16 Executed this 5th day of May, 2011, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

19 By: _____/s/
20 Blake E. Williams
Attorneys for Plaintiffs

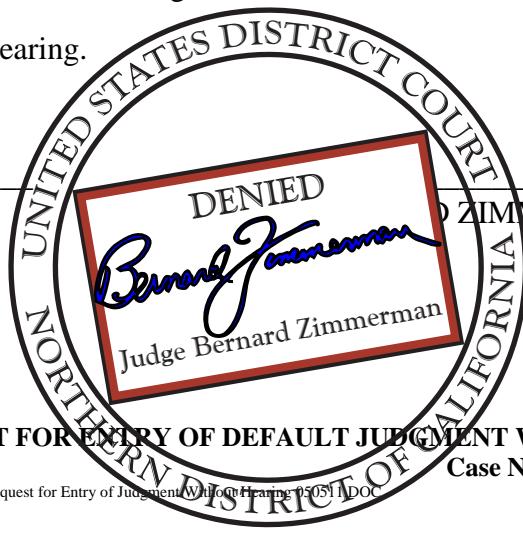
21 | IT IS SO ORDERED

22 Default Judgment is entered for Plaintiffs and against Defendant, as stated in the [Proposed]
23 Judgment without the necessity of a hearing. 

25 | Dated:

REQUEST IS DENIED.

28 | Dated: 5/20/2011



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On May 5, 2011, I served the following document(s):

**REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING;
DECLARATION OF BLAKE E. WILLIAMS IN SUPPORT THEREOF**

9 on the interested parties in said action by placing a true and exact copy of each document in a
10 sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San
11 Francisco, California, addressed as follows:

**Charles Elliott Wallace
Agent for Service of Process
Wallace Flooring, Inc.
1532 Settlers Court
Folsom, California 95630**

15 I declare under penalty of perjury that the foregoing is true and correct and that this
16 declaration was executed on this 5th day of May, 2011, at San Francisco, California.

—/s/—
Oui X. Lu